

TOMAS Q. SORIANO, PLAINTIFF AND APPELLEE VS. F.R. OMILA, DEFENDANT AND APPELLANT.*G.R. No. L-7112. May 21, 1955*

Ponente: LABRADOR, J.

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Plaintiff and appellee brought this action to recover from the defendant the following: P300 on the first cause of action, for a promissory note executed by defendant and appellant in favor of plaintiff and appellee; P700 on the second cause, for another promissory note; P3,000 on the third cause, as moral damages for derogatory remarks made against the personality of plaintiff and appellee in a letter to the latter's counsel; and P600 as attorney's fees. In his answer the defendant and appellant, alleged: that the sums claimed in the first and second causes of action have already been paid; that the supposed derogatory remarks, basis of third cause, have not been motivated by ill will or a desire to besmirch the name and personality of the plaintiff. By way of counterclaim, he demanded P1,683 as commissions, and P4,200 as moral damages for the filing of the suit, and P1,000 as attorney's fees. When the case was called for hearing, the defendant did not appear and the court heard the plaintiff's evidence. Thereafter, it rendered judgment in favor of the plaintiff and against defendant for the sums of P300 and P700 (demanded in the first and second causes of action.) The claims made in the third and fourth, causes of action were dismissed, on the ground that there is "no sufficient evidence to establish the claim of plaintiff with regard to the moral and exemplary damages."

When the defendant was notified of the decision, he presented a motion for reconsideration, alleging that the court had no jurisdiction over the subject matter of the first, second and fourth causes of action. This motion was denied. Hence, this appeal. The appeal was taken directly to this Court for the reason that only questions of law are raised.

Defendant and appellant contends that the Court of First Instance had no jurisdiction over the subject matter of the first, second and fourth causes of action alleged in the complaint, and that as to the third cause of action, the amount involved therein is not decisive of the court's jurisdiction because the demand for the same was not made in good faith. The appellant cites in support of his contention certain cases and certain general principles from American Jurisprudence and Corpus Juris. The cases cited have been decided in Arkansas and can have no application in this jurisdiction because in that state what determines jurisdiction is not the amount of demand as our law has always provided but "the amount in controversy." Thus, the appellant's own citation from the case of *Berry vs. Linton*, 1 Ark. 252, contains the following statements:

"The constitution puts this matter a clear point of view. It declares that 'the circuit court shall have original jurisdiction of all civil cases, which shall not be cognizable before a justice of the peace, where the sum is controversy is over \$ 100.' * * *. It is evident that, taken separately, they fall within the jurisdiction of the justice of the peace, for amount in controversy is less than \$100, and the constitution declares 'that justices of the peace shall individually, or two or more of them jointly, have exclusive original jurisdiction in all matters of contract, except in actions of covenant, where the sum in controversy is one hundred dollars or under.'"

In this jurisdiction, from the time the judicial system was established under the American regime, the jurisdiction of the court has always been based on "the amount of the demand." (See Sees. 56 and 68, Act No. 136; Sec. 3, Act No. 1627; Sec. 44 [c] and Sec. 88 of the Judiciary Act of 1948.)

Under the Judiciary Act Courts of First Instance have original jurisdiction in all cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to more than two thousand pesos (Sec. 44 [c], Judiciary Act of 1948), and justice of the peace courts have exclusive original jurisdiction "where the value of the subject-matter or amount of the demand does not exceed two thousand pesos, exclusive of interests and costs." (Sec. 88, id.) What is the meaning of the term "the amount of the demand?" The above phrase was originally used in Act No. 136 in denning the jurisdiction of courts of first instance and justice of the peace courts. At about the same time that the said Act was passed, Act No. 190, which provides a Code of Civil Procedure for the Philippines, was approved, and one of its important provisions (section 90 par. 2) was that if the complaint contains more than one cause of action each distinct cause must be set forth in a separate paragraph. The joinder of causes of action by the plaintiff in his complaint was, therefore, allowed. It is now expressly authorized under the present rules. Thus in section 1 of Rule 6 it is provided that the complaint shall make a statement of the ultimate facts constituting the plaintiff's cause or causes of action. And in section 5 of Rule 2 it is expressly provided that a party may in one complaint state in the alternative or otherwise as many different causes of action as he may have as against an opposing party. These express provisions of the Rules clarify the law in force at the time of the promulgation of Act No. 136 and Act No. 190. Under the law now, as previously, the jurisdiction of a court is made to depend, not upon the value or demand in each single cause of action contained in the complaint, but upon the totality of the demand in all the causes of action. In *Gutierrez vs. Ruiz* 94 Phil., 1024, 50 Off. Gaz., 2480, we held that the aggregate amount of the demand, P2,700 (P2,000 and P700), brought the action under the jurisdiction of the court of first instance. The practice has always been to attend to the total amount demanded in the complaint, especially in the prayer, as determinative of the jurisdiction of the court. The claim of the defendant and appellant that as the court has no jurisdiction of each of the amounts demanded in the first, second and fourth causes of action, it has no jurisdiction of the action, must therefore be overruled.

Counsel for appellant also argues that the sum of P3,000 demanded in the plaintiff's third cause of action should not be taken into account in ascertaining which court has jurisdiction, insinuating that the same was not presented in good faith but merely to defeat the provision of law as to the jurisdictional amount, raising it to an amount within the jurisdiction of the court of first instance. Admitting that a party may not unduly exaggerate a demand to the jurisdictional amount in order to defeat the legal provision, such principle would not apply to the case at bar. The demand is not a fictitious demand; the trial court denied the claim for P3,000, not on the ground that it was unfounded and fictitious, but on the ground that no sufficient evidence was given to support the same. Under the circumstances, therefore, the amount demanded in the third cause of action, P3,000, should be included in the determination of the total amount of the demand. With this claim for P3,000 the aggregate amount demanded is P4,600, which is far above the amount fixed as a minimum for the trial court's jurisdiction.

The appeal shall be dismissed, and the decision appealed from affirmed, with costs against defendant and appellant.

Pablo, Acting, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Concepcion and Reyes, J. B. L., JJ., concur.

CONCURRING AND DISSENTING OPINION

BAUTISTA ANGELO, J., concurring and dissenting:

In Alicia Go, et al., vs. Alberto Go et al.[*] G. R. No. L- 7020, promulgated on June 30, 1954, this Court made the following comment:

"A case which may be considered on all fours with the present case is that of Villaseñor vs. Erlanger & Galinger, 19, Phil., 574, wherein this Court, in discussing the test to be considered in determining: the jurisdiction of a justice of the peace, laid down the following rule: 'When a separate debt is due, it is demandable in a separate action. Therefore, neither a debtor nor a third party may plead lack of jurisdiction because the sum of two separate debts exceeds the amount for which action may be brought in a court of a justice of the peace. On the other hand, if a debt is single a creditor may not divide it for the purpose of bringing the case within the jurisdiction of a justice of the peace.' This case is authority for the statement that if a claim is composed of several accounts each distinct from the other or arising from different transactions they may be joined in a single action even if the total exceeds the jurisdiction of a justice of the peace. Each account furnishes the test. But if the claim is composed of several accounts which arise out of the same transaction and cannot be divided, the same should be stated in one cause of action and cannot be divided for the purpose of bringing the case within the jurisdiction of the justice of the peace." (Italics supplied)

From the foregoing comment it may be inferred that the jurisdiction of the justice of the peace court should be determined, not from the totality of the demand, but from the nature of the accounts set forth in the different causes of action contained in the complaint. If a claim is composed of several accounts each distinct from the other or arising from different transactions, they may be joined in a single action even if the total exceeds the jurisdiction of the justice of the peace court. Each account furnishes the test. But if the claim is composed of several accounts which arise out of the same transaction and cannot be divided, the same should be stated in one cause of action and cannot be divided for the purpose of bringing the case within the jurisdiction of the justice of the peace court. From this ruling it is clear that the totality of the demand can only be the test for purposes of jurisdiction if the amounts aggregating the same arise out of the same transaction, otherwise each amount is determinative of jurisdiction. I therefore disagree with the opinion that in all cases "the totality of the demand" is the test of the jurisdiction of the court.

In the instant case, however, this distinction becomes of no moment, it appearing that the amount involved in the third cause of action is P3,000, which undoubtedly comes within the jurisdiction of the Court of First Instance, I therefore concur in the result.

[*] 95 Phil., 378.

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